

**Chapter 17.12****APPLICABILITY****Sections:**

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**Section 17.12.010     Applicability.**

Applicability. No person shall do any grading upon any lot, parcel or tract of land without first having obtained a grading permit from the Public Works Director in compliance with all the provisions of this title except that a grading permit shall not be required for any of the following:

A. An excavation below finished grade for the basements and footings of a building, a retaining wall, a pool, or other structure authorized by a valid building permit. This provision shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than five feet after the completion of such structure.

B. Cemetery graves.

C. Refuse disposal sites controlled by other regulations.

D. Excavations and embankments performed by a public utility, governmental agency, or private developer for the construction of roadways, pipelines or utility lines within rights-of-ways or easements. Any work done in a public right-of-way dedicated to the City shall be regulated by the Public Works Director.

E. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay where established and operating under the applicable provisions of this Chapter, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property as verified by a civil engineer's report.

F. Exploratory excavations under the direction of soils engineers or engineering geologists.

G. An excavation which:

1. Is less than two feet in depth; or

2. Does not create a cut slope greater than five feet in height and steeper than two horizontal to one vertical.

H. A fill less than 3 feet in depth and placed on natural terrain with a slope flatter than five horizontal to one vertical, not intended to support structures, which does not exceed fifty cubic yards on any one lot, including spoil from foundation excavation, and does not obstruct a drainage course. Lot drainage on the subject lot shall be directed away from any structure.

I. Emergency work as authorized by the City necessary to protect life, limb or property or to maintain the safety, use or stability of a public right-of-way or drainage course.

J. Common agricultural practices on agriculturally zoned or agriculturally designated lands.

K. Grading in an isolated, self-contained area if there is no danger apparent to private or public property, the site is not within a drainage area or arroyo, it does not contain slopes exceeding ten percent and it is not visible from the public right-of-way.

L. Lots or projects having less than one acre in total area and which meet the conditions of Sections 17.12.010 G. 1. and 17.12.010 H. and certification is provided by the engineer subject to the approval of the Public Works Department. (Ord. 6673 §§ 3, 4, 2003; Ord. 6453 § 1, 1998)

**Section 17.12.020    Applicability - Hillside/Arroyo Grading.**

Applicability - Hillside/Arroyo Grading. The provisions for hillside/arroyo grading as defined in Section 17.28.020 of this title shall apply to all excavation and grading of any land if any one of the following criteria apply to the property in question:

- A. The property is in the RC - Residential Conservation Zone.
- B. The property has an average natural slope ten percent or greater.
- C. The property is within or is adjacent to the boundaries of the Mockingbird Canyon, Woodcrest, Prenda, Alessandro, Tequesquite, and Springbrook Arroyos. Blue line streams identified on the United States Geological Survey (USGS) Maps or other significant arroyos may also be included. (Ord. 6453 § 1, 1998)

**Section 17.12.030    Review required.**

A grading permit in hillside/arroyo areas as defined in Chapter 17.08 of this title shall not be issued until review procedures and requirements established under Chapter 17.28 are met. (Ord. 6453 § 1, 1998)

**Section 17.12.040    Approval date.**

Any approved or tentatively approved tract or parcel map having a grading plan approved prior to July 1, 1997 shall be subject to the grading requirements in effect on the approval date of the map (Ord. 6453 § 1, 1998)

**Section 17.12.050    Watercourse/channel alteration review required.**

Notwithstanding other provisions of this title, no person shall alter an existing watercourse or channel through excavation, placement of fill or rock, or structural improvements without first obtaining a grading permit. (Ord. 6453 § 1, 1998)

**Section 17.12.060    Determination of hazard.**

Whenever the Public Works Director determines that any existing excavation, embankment, or fill on private property has become a hazard to life, limb, a danger to property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice from the Public Works Director, shall within the period specified therein repair or eliminate such excavation or embankment so as to eliminate the hazard and be in conformance with the requirements of this title. Failure to eliminate the hazard in the specified time period shall be cause for the Public Works Director to initiate the enforcement/penalties procedures specified in Section 17.36.010. (Ord. 6453 § 1, 1998)